

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In Re the Application of: |) | Group Art Unit: 1644 |
| |) | |
| LAHN et al. |) | Examiner: Schwadron, R.B. |
| |) | |
| Serial No.: 09/826,319 |) | Confirmation No.: 4155 |
| |) | |
| Filed: April 3, 2001 |) | |
| |) | |
| Atty. File No.: 2879-80 |) | |
| |) | |
| For: "METHOD TO INHIBIT AIRWAY |) | |
| HYPERRESPONSIVENESS USING |) | |
| AEROSOLIZED T CELL RECEPTOR |) | |
| ANTIBODIES" |) | |

REPLY TO NOTIFICATION OF
NON-COMPLIANT
APPEAL BRIEF

SUBMITTED VIA EFS-WEB

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Dear Sir:

This Reply is filed in response to the Notification of Non-Compliant Appeal Brief mailed on October 15, 2009, and is being filed within the one month period set for reply. No fees are believed to be due. However, if any the fees required to enter this paper, please debit Deposit Account No. 19-1970.

In the Notification of Non-Compliant Appeal Brief, the Examiner indicated that the full length copy of Fahy et al. filed with the brief is not the Fahy et al. reference of record in the instant application. The reference of record is an internet copy which lacks tables and some of the figures. Without acknowledging the propriety of this assertion, to expedite processing of this application, Applicants are submitting herewith a Sixth Amended Appeal Brief that includes the internet copy of the Fahy reference as an attachment. In a telephone message the Examiner had indicated that such submission will cure the non-compliance and Applicants respectfully submit that the brief should now be seen in compliance.

Application/Control No. 09/826,319
Art Unit 1644

Any questions or concerns regarding this Reply should be directed to the undersigned at
(303) 863-9700.

Respectfully submitted,

SHERIDAN ROSS P.C.

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Date: November 11, 2009